Nasser Shekib, et ux

Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY * Case No. 94-67-A

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Nasser and Lili Shekib, and the Contract Purchasers, Joseph L. and Rose H. Rubin. The Petitioners request relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a northeast side yard setback of 40 feet in lieu of the minimum required 50 feet, and an amendment to the Final Development Plan for Lot 23, of Worthington Hillside II, Section 4, for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Joseph L. and Rose H. Rubin, who since the filing of the instant Petition, have become the legal owners of the subject property. Also appearing on behalf of the Petition filed were James McKee, Registered Land Surveyor, and James Grammer, Associate with McKee and Associates, Inc. There were no Protestants present.

Testimony indicated that the subject property, known as 4017 Log Trail Way, consists of 1.006 acres, more or less, zoned R.C. 5 and is currently unimproved. The Petitioners are desirous of developing the property with a single family dwelling in accordance with Petitioner's Exhibit 1. Testimony indicated that due to the size and location of the existing septic area, which runs across the rear half of the building envelope, the proposed dwelling must be positioned closer to the front of

the property, which becomes more narrow in the front. The requested variance is therefore necessary in order to develop the property as proposed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Peti-

- 2-

tioner's request is in strict harmony with the spirit and intent of the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of October, 1993 that the Petition for Variance requesting relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a northeast side yard setback of 40 feet in lieu of the minimum required 50 feet, and an amendment to the Final Development Plan for Lot 23, of Worthington Hillside II, Section 4, for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

> > for Baltimore County

TMK:bis

Petition for Variance

to the Zoning Commissioner of Baltimore County 94-67-A The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby pelition for a Variance from Section: 1A04.3.B.3 to permit a 40' right side setback in lieu of the required 50 foot minimum, and to amend the Final Development Plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. The lot is too narrow to accommodate the proposed dwelling.

for lot 23 Section 4 Worthington Hillside II

2. Other issues to be discussed at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Rei Sterstown, md. 21136 Attorney for Petitioner: (Type or Print Name)

Attorney's Telephone No.:

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this l'elltion. Legal Owner(s): NASSER SHEKIR Name, address and phone number of legal owner, contract purchaser or representative to be contacted McKee & Associates, Inc.

5 Shawan Road, 21030 527-1555
Address Phone No. OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING (1/2HR.)
AVAILABLE FOR HEARING MOR. /TUES. /WED. - NEXT TWO MONTHS REVIEWED BY: PATE 8 12 93 94-67-A

MCKEE & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030 Telephone: (410) 527-1555 Facsimile: (410) 527-1563

August 11, 1993

ZONING DESCRIPTION 4017 LOG TRAIL WAY LOT 23, SECTION 4 WORTHINGTON HILLSIDE 11 FOURTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being situated on the northernmost right-of-way line of Log Trail Way, being 50 feet wide, said point being distant 316 feet northeasterly from the centerline of Worthington Ridge Court and being known and designated as Lot 23, Section 4, Worthington Hillside II, said plat being recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. 53, folio 102. Containing 43,821 square feet or 1.006 acres of land, more or less, lying in the Fourth Election District of Baltimore County, Maryland.

Also being known as 4017 Log Trail Way.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 94-67-14

Posted for: Verience	Date of Posting 9/2/95
Petitioner: NESS TO 4 Lili Strebit + A	
Location of property: 4017 Log Troil Way	Ms, 3/6' NE Worthing Ton Regart
Location of Signer Facing 100 dury em	preperty to be son-b
Remarks:	
Posted by	Date of return: 1/10/82
Aumber of Signs:	

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive

Date 8/12/93

Development Management

fqlesen

CODE 010 (DRESVAR FILING FEE \$ 50.00 CODE 080 (1) SIGN PRITING FIE \$ 35.00 TOTAL 85.00

OWNER. NASSER SHEKIB LOC. 4017 LOG TRAIL WAY

THE JEFFERSONIAN.

Mr. & Mrs. Joseph L. Rubin 1 Glyndale Court Reisterstown, Maryland 21136 RE: PETITION FOR VARIANCE

N/S Log Trail Way, 316' NE of Worthington Ridge Court (4017 log Trail Way) 4th Election District - 3rd Councilmanic District Nasser Shekib, et ux - Petitioners Case No. 94~67-A

Dear Mr. & Mrs. Rubin:

Suite 113 Courthouse

400 Washington Avenue

Towson, MĎ 21204

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in

Baltimore County Government

Zoning Commissioner

October 5, 1993

Office of Planning and Zoning

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development

Very truly yours,

(410) 887.4366

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

McKee & Associates, Inc., 5 Shawan Road, Cockeysville, Md. 21030

cc: Mr. James McKee

People's Counsel

111 West Chesapeaka Avenue 16...on, Maryland 21204

Account: R-001-6150

City and State

NUGUST 18, 1993

NOTICE OF HEARING

The Zoning Commissioner of Bultimore County, by authority of the Zoning Act and Begulations of Bultimore County, will hold a public bearing on the property identified hereis in Room 106 of the County Office Building, 111 W. Chesepoule Evenue in Touson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Touson, Maryland 21204 as follows:

CASE MUMBER: 94-67-A (Item 68) 4017 Log Trail Way M/S Log Trail Way, 316' NE of Worthington Ridge Court 4th Election District - 3rd Councilmanic Legal Owner(s): Masser Shekib and Lili Shekib Contract Purchaser(s): Rose H. Rubin and Jospeh L. Rubin HEARING: THURSDAY, SEPTEMBER 23, 1993 at 10:00 a.m Rm. 118 Courthouse.

Variance to permit a 40 foot right side setback in lieu of the required 50 foot minimum; and to amend the final development plan for lot 23, section 4, Worthington Hillside II.

Nasser and Lili Shekib Rose and Joseph Rubin McKee & Associates, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: August 23, 1993 Arnold Jablon, Director Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 46, 65, 67, 68, 69 and 70.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL: lw

TO: PUTULENT POILTMENS COMPANY MOODS? 26, 1993 Insue - Jeffermunian

Please found billian to:

l Clymbale Court 410-527-1555

NOTICE OF HEARING

The Zoning Counterioner of Bultimore County, by authority of the Zoning Act and Regulations of Bultimore County, will hold a public hearing on the property identified herein in

COPY

Boom 106 of the County Office Building, 111 W. Cheespeaks Avenue in Tomson, Maryland 21204 Room 118, Old Courthouse, 400 Washington Avenue, Towson, Haryland 21204 as follows:

CASE MURBER: 94-67-A (Item 68) 4017 Log Trail Way M/S Log Trail Way, 316' ME of Worthington Ridge Court 4th Election District - 3rd Councilmenic Legal Owner(s): Nesser Shekib and Lili Shekib Contract Purchaser(s): Rose H. Rubin and Jospeh L. Rubin HEARING: THURSDAY, SEPTEMBER 23, 1993 at 10:00 a.m Rm. 118 Courthouse.

Variance to permit a 40 foot right side setbeck in lieu of the required 50 foot minimum; and to assend the final development plan for lot 23, section 4, Worthington Hillside II.

LMRENCE E. SCHEIDT ZOWING COMMISSIONER FOR BALTIMORE COUNTY

HOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE: FOR SPECIAL ACCOMMUNITIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

BALTIMORE COUNTY, MARYLAND

Building shall comply with the 1991 Life Safety Code.

Buildings shall comply with the 1991 Life Safety Code.

A 35' inside turning radius shall be maintained.

Building shall comply with the 1991 Life Safety Code.

Building shall comply with the 1991 Life Safety Code.

Townhouses, for which the initial building permits are applied for after 07/01/92, are required by State law to be sprinklered.

A standard cul-de-sac shall be provided at the end of the road.

Zoning Advisory Committee

Captain Jerry Pfeifer

SUBJECT: August 30, 1993 Meeting

No Comments

No Comments

No Comments

No Comments

Inter-Office Correspondence

Baltimore County Government Office of Zoning Administration and Development Management



September 14, 1993

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Mr. and Mrs. Nasser Shekib 101 Kenilworth Park Drive Towson, Maryland 21204

> RE: Case No. 94-67-A. Item No. 68 Petitioner: Nasser Shekim, et al Petition for Variance

Dear Mr. and Mrs. Shekib:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 12, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



O. James Lighthizer Hal Kassoff

8 2495

Ms. Helene Kehring Zoning Administration and Development Management County Office Building 111 W. Chesapeake Avenue Towass Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Engineering Access Permits

My telephone number is

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

7-100-13

RE: PETITION FOR VARIANCE N/S Log Trail Way, 316' NE of Worthington Ridge Ct. (4017 Log : Trail Way), 4th Election District 3rd Councilmanic District

Legal Owners;

final Order.

OF BALTIMORE COUNTY : Case No. 94-67-A NASSER SHEKIB & LILI SHEKIB. :

ROSE H. RUBIN & JOSEPH L. RUBIN. : Contract Purchasers ::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-

captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or

People's Counsel for Baltimore County

BEFORE THE ZONING COMMISSIONER

Carole S. Domilio Carole S. Demilio Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue

Townon, Maryland 21204 (410) 887-2188 I HEREBY CERTIFY that on this 2nd day of September , 1993, a copy of the foregoing Entry of Appearance was mailed to Hr. and Hrs.

Nasser Shekib, 101 Renilworth Park Dr., Towson, ND 21204; Rose H. and Joseph L. Rubin, 1 Glyndale Ct., Reisterstown, ND 21136; and McKee & Associates, Inc., 5 Shawan Rd., Cockeysville, HD 21030, which requested notification.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Beltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING PERS WILL STAY ISSUANCE OF ZONING ORDER.

C	all the
ARROLD	JABLON, DIRECTOR

For newspaper advertising:

Petitioner: NASSER & LILI SHEKIB 1306 MEDMEADOW ROAD GALTO 21304

Location: 4017 LOG TRAN, WAY

HANE: JOSEPH L. RUBIN

ADDRESS: I GLYHDALE COURT

REISTERSTOWN MD 21136

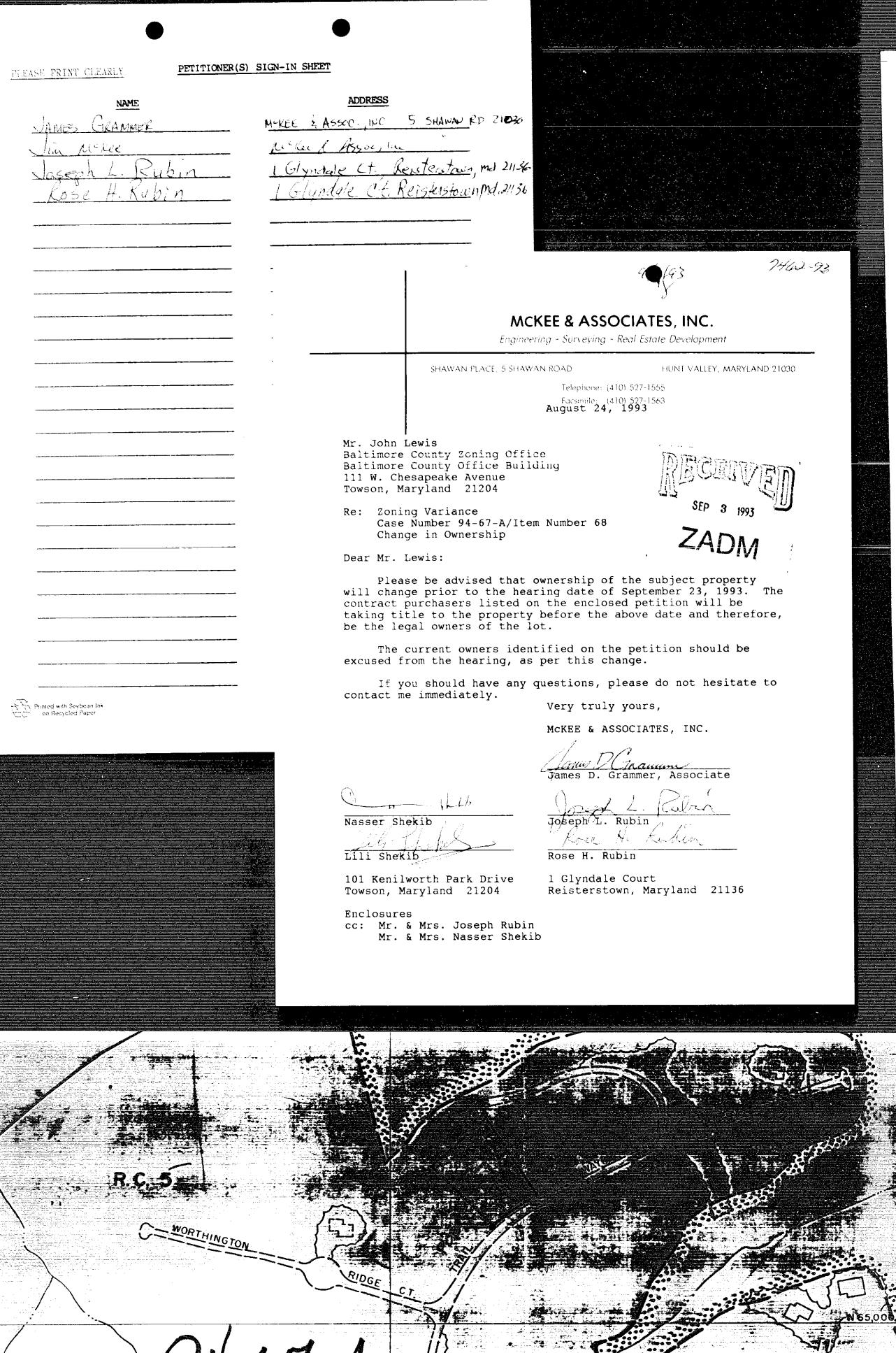
(Revised 04/09/93)

ZAC.46/PZONE/ZAC1

ZADM

DATE: August 19, 1993

ZADM



R.C. 5

i° = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY

1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992

LOCATION

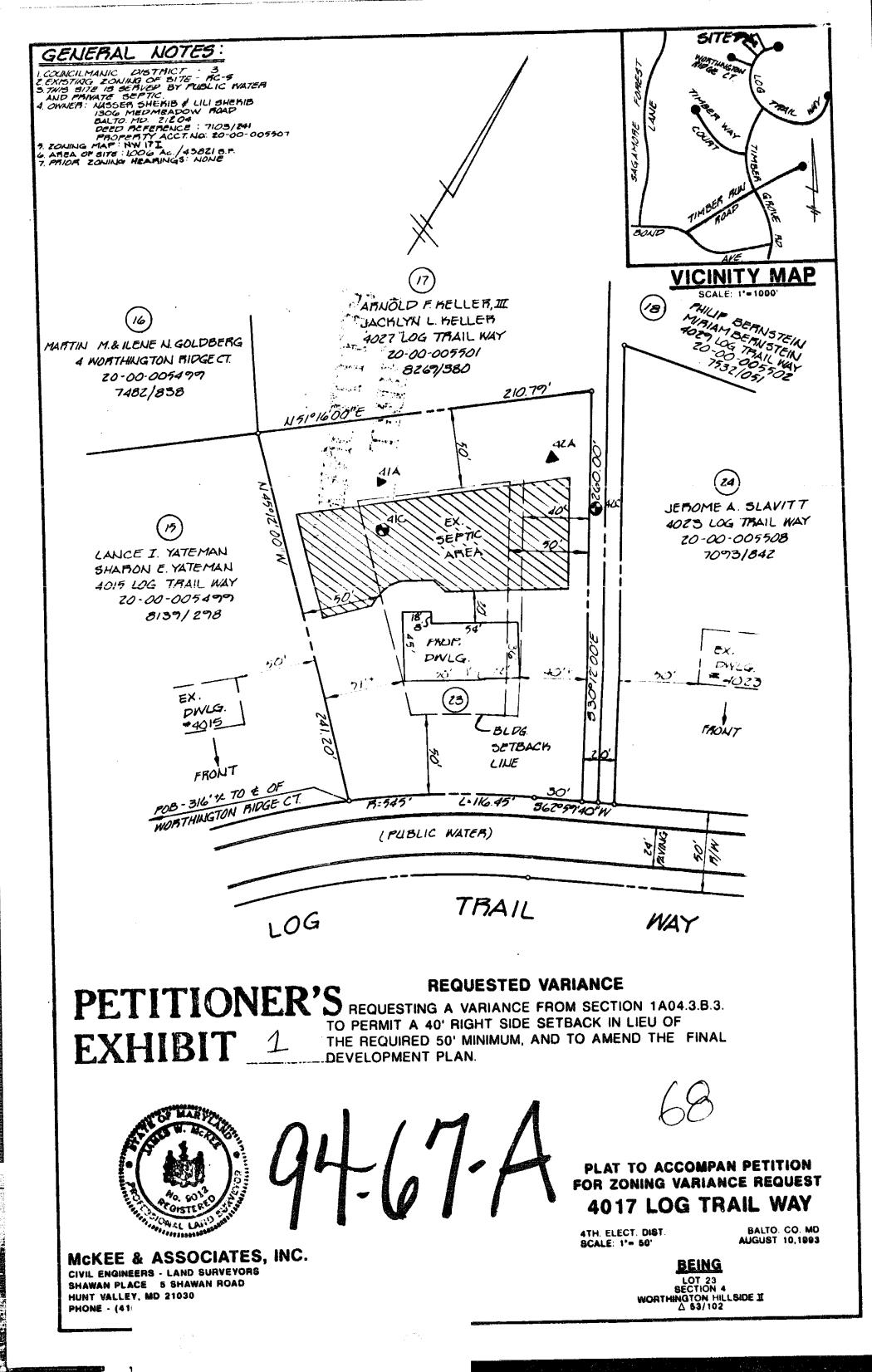
WORTHINGTON

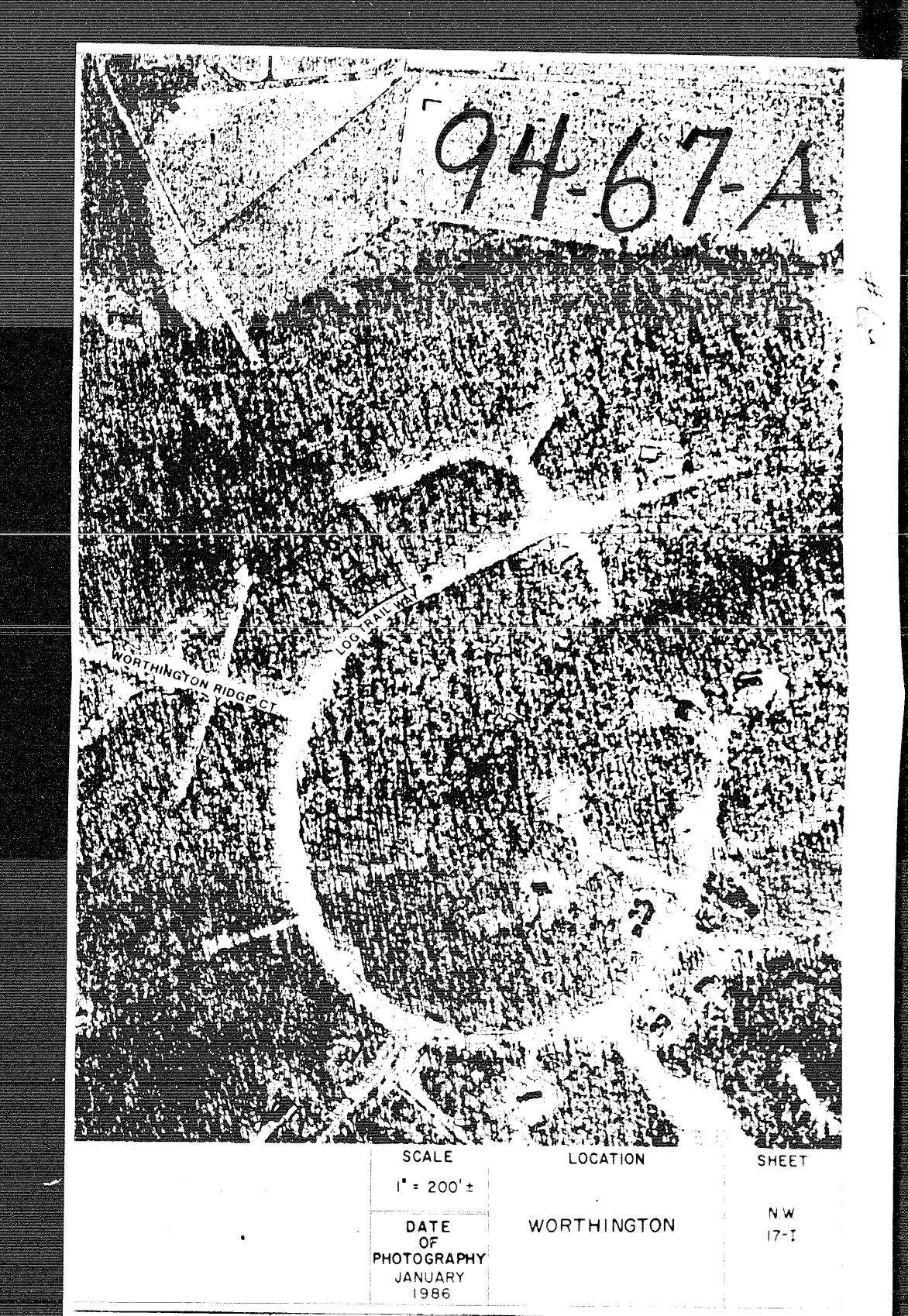
R.C. 5

OUNTY

AND ZONING

ING MAP





Petitioner's

